

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
November 2, 2009**

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Westwood Zoning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: Raymond Arroyo
Guy Hartman
Dan Koch
Christopher Owens
Eric Oakes
Joseph Frasco, Vice-Chairman
William Martin, Chairman
Robert Bicocchi (Alt #1)
Michael Bieri (Alt. #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis Raimondi, Maser Consulting, PA
By Tom Lemanowicz
Steve Lydon, Burgis Associates
Borough Planner, by Kevin Kain

ABSENT: None

4. MINUTES - The Minutes of the 8/3/09 & 9/14/09 were approved on motions made, seconded and carried. The Minutes of 10/5/09 were carried to the next meeting.

5. CORRESPONDENCE: As listed on Agenda and read:

(WWZB 11/2/09)

1. Letter from William T. Petrina, dated 10/23/09 RE: 118 Third Ave;

2. Memo from Steve Lydon, Burgis Associates dated 10/22/09 RE: Keynton, 27 Hillside Avenue;

3. Memo from Steve Lydon, Burgis Associates dated 10/23/09 RE: Puentes, 60 Wheeler Avenue;

4. Letters from John J. Lamb, Esq. dated 10/21/09 & 10/23/09 RE: Pompilio's Pizza, Inc., 221-225 Westwood Ave.;

5. Letter from Donald Nemcik, Esq. dated 10/22/09 & 10/23/09 RE: Pompilio's Pizza, Inc., 221-225 Westwood Ave.;

6. Westwood Historic Preservation Commission Review RE: Paragon Federal Credit Union, which recommended an easement be included in the final Resolution. Mr. Martin gave package to Mr. Rutherford to review;

6. VOUCHERS: A motion to approve vouchers totaling \$6,097.50 was made by Mr. Hartman, seconded by Mr. Bicocchi, and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. Paragon Federal Credit Union, Washington Avenue - Held until 12/7/09; Mr. Rutherford advised the Resolution would be carried until next month so that the attorney for applicant and he can review Historic Preservation comments.

2. Borduin, 325 Lafayette Avenue - Application for Certification of Non-conforming Use - Section 68 - Mr. Rutherford gave an overview of the Resolution of Approval. A motion for approval was made by Mr. Arroyo, with second by Mr. Koch. There were no further questions, comments or discussions. On roll call vote, Mr. Koch, Mr. Frasco, Mr. Arroyo, Mr. Hartman, Mr. Owens, Mr. Bicocchi, and Mr. Martin voted yes. Mr. Oakes and Mr. Bieri were not eligible to vote.

3. J. LaDuca, 80 Ash Street - Appeal - Section 68 - Carried to 12/7/09;

8. PENDING NEW BUSINESS:

(WWZB 11/2/09)

1. Yuan, 62 Lester Avenue, Application for Certification of Non-conforming Use - Scheduled for 12/7/09

2. Puentes, 60 Wheeler Avenue - Variance application - Scheduled for 12/7/09

3. Keynton, 27 Hillside Avenue - Variance application - Scheduled for 12/7/09

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. Kevin Seger, 56 Hillside Avenue - Variance - Carried to 12/7/09 at the request of the applicant with no further notice;

2. J. LaDuca, 80 Ash Street - Appeal - Section 68 & Variance - Scheduled for 12/7/09;

3. P. Petrina, 118 Third Avenue - Variance - Carried to 12/7/09 at the request of the applicant with no further notice; Mr. Rutherford to advise by letter that applicant should be ready to proceed next month. Mr. Frasco commented he was not inclined to give him any more time. Mr. Martin agreed, except his attorney did respond and explained why they are not here. Mr. Rutherford did not believe he wrote a letter stating the Board would take the action of dismissal without prejudice. The attorney explained he was in Federal Court. It would be fair to give advance notice, and he would give the notice this month. Any escrow deficiency would be dealt with as well. Mr. Martin added if the attorney is unavailable next month, he should arrange for substitute counsel. Mr. Rutherford would advise them accordingly.

4. Bohen, 567 Lafayette Avenue - Variance - Laney Bohen, owner/applicant, was sworn in and testified they are on the corner of Lafayette and Clinton, and with three small children always running out, they were seeking to install a 3' fence. Their back yard is considered the front yard since it is on Clinton Avenue. A photo depicting a split-rail, mesh fence 3' high. They want to completely close in the back yard.

(WWZB 11/2/09)

Questions by Board Members followed, and applicant responded. The fence was an example of the style of fence by Emerson Fence Co. The fence would not be higher than 3'. It would be on the property line, 3' away from the sidewalk. Mr. Hartman asked if they would consider putting the fence up to the driveway. Mrs. Bohen stated they considered it but wanted to use most of their property. There were no further questions and no questions or comments from the public. Chairman Martin commented the concern about being on the corner is visibility, but this one is so far back from the corner so he doubts it would have an impact. Mr. Lemanowicz concurred the fence is essentially transparent, so there will not be an issue with coming out of the driveway. The applicant stated the car will not be in the street when the gate is opened. Coming up to the driveway with the fence would eliminate the gate, but it would not be a problem. Mr. Martin commented the need to put up a fence on this corner does create a hardship.

There were no further questions, comments or discussions. A motion for approval was made by Mr. Frasco and seconded by Mr. Arroyo. On roll call vote, all members voted yes.

5. Pompilio's Pizza, Inc., 221-223 Westwood Ave. - Variance for Expansion - Mr. Martin noted voluminous correspondence had been received. Mr. Rutherford advised jurisdiction requirements have not yet been met and acknowledged Mr. Nemcik in the audience. The objector was not present. Mr. Rutherford and Mr. Martin announced the matter would be carried to 12/7/09 to allow the applicant the opportunity to straighten out issues with the notice.

6. New St. Mark AME Zion Church, 100 Palisade Avenue - Minor site Plan application - Carried to 12/7/09 at the request of the applicant with no further notice;

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 8:40 p.m.

Respectfully submitted,

(WWZB 11/2/09)

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary